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MEMORANDUM ENDORSED

January 4, 2023

By E.C.F.

Hon. Gregory H. Woods
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
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Re: *United States v. Andrew Whelan*, Docket No. 22-Cr.-701 (GHW)

Dear Judge Woods:

On November 22, 2022, the defendant, Andrew Whelan, appeared before Magistrate Judge Ona T. Wang, with counsel, and was ordered released pursuant to the terms of an agreed upon bail package with the government, which specified the following conditions of release: a \$75,000 Personal recognizance bond to be cosigned by two financially responsible persons; Travel restricted to the Southern and Eastern Districts of New York; Surrender travel documents and no new applications; Pretrial supervision as directed by Pretrial Services; Drug testing and treatment; Home detention; Electronic monitoring; Defendant to continue or seek employment; Defendant to be released on own signature; plus report to Pretrial Services for bracelet the following day; Remaining conditions to be met by 12/6/22; Location monitoring tech as directed by Pretrial Services; No contact with co-defendants unless in presence of counsel; and Refrain from possession of illegal substance unless prescribed by a licensed practitioner.

This letter motion is respectfully submitted to request a modification of the conditions of release. Andrew Whalen is presently attending drug testing and treatment with an outpatient program that he was placed into by U.S. Probation. The program has advised U.S. Probation that Andrew Whalen could benefit from a psychiatric evaluation, and this would require mental health counseling/treatment be added as a condition of his release.

In light of the foregoing, defense counsel requests that mental health counseling/treatment be added as a condition of Andrew Whalen's release, with all other conditions remaining the same.

The government has been informed of this application and has no objection.

Respectfully,

Anthony L. Ricco

Application granted. As stated on the record during the conference held on January 4, 2023, the conditions of Mr. Whalen's pretrial release are modified as follows: (1) a condition requiring mental health evaluation and treatment as directed by pretrial services is added; and (2) the deadline for Mr. Whalen to meet the remaining conditions of his pretrial release is extended to January 18, 2023. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 12.

SO ORDERED.

Dated: January 4, 2023
New York, New York



GREGORY H. WOODS
United States District Judge